

REMARKS

Claims 1-18 are in the present application.

The Office Action objects to the drawings on the basis that not every feature of the claims is shown in the drawings. In particular, the Office Action states that the elements for monitoring light emission and heat generation must be shown in the drawings. This objection is traversed.

Applicant directs the Office's attention to page 12, lines 8 – page 13, line 8 where it is disclosed, in connection with the discussion of Fig. 3, that the claimed device includes a a "protective element 150 such as a diode." The specification further discloses that "only an element protecting against static electricity is indicated as an example of an additional element. However, other elements and circuits in addition to the element protecting against static electricity may be installed. Examples of these elements and circuits include light-emission monitoring element..., heat-generation monitoring elements."

Thus, it is clear that the protective element 150 depicted in Fig. 3 may be a diode (as disclosed at page 12, line 13), a light emission monitoring element, and a heat generation element (as disclosed at page 12, lines 23-24). It is further noted that protective element 150 is depicted as a block diagram representation of the protective element (i.e., a small box). Protective element 150 is not depicted as a detailed drawing of a specific diode, light emission monitoring element, and heat generation element.

It is further submitted that one skilled in the art of the claimed invention would not have to resort to undue experimentation to practice the claimed invention based on the Applicants' claims and supporting disclosure.

Accordingly, it is respectfully requested that the objection to the drawings be reconsidered and withdrawn, and the drawings accepted by the Office.

Claims 10 and 14-16 were rejected for having informalities therein. Claims 10 and 14-16 have been amended to overcome the objections of record. Accordingly, it is respectfully requested that the objection to claims 10 and 14-16 be reconsidered and withdrawn.

Claims 7 and 11 were rejected under 35 USC 112, first paragraph. Claims 7 and 11 have been amended to replace the language cited as objectionable by the Office Action and comply with the enablement requirements of 35 USC 112, first paragraph.

Accordingly, it is respectfully requested that the rejection of claims 7 and 11 be reconsidered and withdrawn, and claims 7 and 11 allowed by the Office.

Claims 1, 6-11, and 14-17 were rejected under 35 USC 102(b) as being anticipated by JP Pub. No.: 06-090029 to Itou et al. (hereinafter, Itou).

Regarding the Office Action's arguments of record, it is respectfully submitted that Itou disclosed a semiconductor element that does not have each and every element configured as claimed by Applicant.

Claims 1 and 14, as currently amended herewith, unambiguously state that the claimed light-emitting diode includes a unitary cup component. This is in contrast to Itou wherein the semiconductor element comprises two base parts 11 and 12 in each and every embodiment thereof. Itou discloses that the two part base is provided so that the "semiconductor chip is pinched by the current carrying part" (See paragraph 0005). Itou also discloses that the LED chip is directly pinched by the current carrying part of two bases (See paragraph 0006). Thus, the semiconductor chip is exclusively disclosed as being pinched between

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a two part base. Furthermore, Itou's base is current carrying (i.e., electrically conductive). Itou's disclosure therefore departs from and teaches away from Applicants' claimed invention of a light-emitting diode having a unitary cup component.

For at least the reasons stated above, it is respectfully submitted that claims 1 and 14 are not anticipated by Itou. Claims 6-11 depend from claim 1 and claims 15-17 depend from claim 14. It is respectfully submitted that all of claims 1, 6-11, and 14-17 are patentable over the cited and relied upon Itou for at least the reasons stated hereinabove.

Furthermore, Itou does not suggest a unitary cup component.

Accordingly, it is respectfully requested that the rejection of claims 1, 6-11, and 14-17 be reconsidered and withdrawn, and claims 1, 6-11, and 14-17 be allowed by the Office.

Claims 2 and 3 were rejected by the Office Action under 35 USC 103(a) as being obvious over Itou in view of Antle et al. (hereinafter, Antle). This rejection is traversed.

The Office Action admits that Itou fails to disclose other electrical components on the surface of the cup. For such disclosure, the Office Action relies on Antle. The Office Action states that it would have been obvious to modify the LED assembly of Itou to include a protective element as taught by Antle.

As discussed at length hereinabove, Itou in fact does not disclose Applicants' claimed LED. Therefore, even if the LED assembly of Itou were combined with Antle (not admitted by Applicants as being feasible, possible, or even suggested by the references), the resulting Itou/Antle device would not

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render Applicants' claims 2 and 3 obvious.

Accordingly, it is respectfully requested that the rejection of claims 2 and 3 be reconsidered and withdrawn, and claims 2 and 3 be allowed by the Office.

Claims 12 and 13 were rejected by the Office Action under 35 USC 103(a) as being obvious over Itou in view of Yamaguchi. This rejection is traversed.

The Office Action admits that Itou fails to disclose a plurality of LED chips mounted on the cup, with three or more electrical traces and three or more leads corresponding to the traces. For such disclosure, the Office Action relies on Antle. The Office Action states that it would have been obvious to modify the LED assembly of Itou to include a plurality of LED chips mounted on the cup, with three or more electrical traces and three or more leads corresponding to the traces as suggested by Yamaguchi..

It is reiterated that Itou does not disclose Applicants' claimed LED. Therefore, even if the LED assembly of Itou were combined with Yamaguchi (not admitted by Applicants as being feasible, possible, or even suggested by the references), the resulting Itou/Yamaguchi device would not render Applicants' claims 12 and 13 obvious.

Accordingly, it is respectfully requested that the rejection of claims 12 and 13 be reconsidered and withdrawn, and claims 12 and 13 be allowed by the Office.

Applicants acknowledge with appreciation the Office indication of allowable subject matter, namely claims 4 and 5.

Newly added claim 18 is added to the application to further claim that which Applicants consider their patentable invention. Support for claim 18 may

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be found in the specification in Fig. 4 and the corresponding discussion thereof.

No new matter is added by the amendments to the application.

Respectfully Submitted,

Date: 1-23-04

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